IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 3250 of 2004(A)

CRA.198/2002 of ADDL.SESSIONS COURT, THODUPUZHA
CC.174/1996 of JUDL. MAGISTRATE OF FIRST CLASS COURT, ADIMALI

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REVN. PETITIONER:

SIVAN, S/O.KUTTAPPAN, AGED 46,
CHEMPOTHUNKAL VEEDU, ADIMALI P.O.,
ADIMALI KARA, MAANAMKANDAM, DEVIKULAM TALUK.

BY ADV. SRI.K.R.SACHIDANANTHAN
SRI.RENJITH B.MARAR

RESPONDENTS:

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1. ELSY, W/O.JOHN,
AGED 45, KADAPARAMBIL VEEDU,
MAANAMKALA KARA, MAANAMKANDAM VILLAGE,
DEVIKULAM TALUK.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.JOSEPH SEBASTIAN PURAYIDAM
SMT.MABLE.C.KURIAN
BY PUBLIC PROSECUTOR SRI. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 3250 of 2004

Dated this the 6th day of December, 2006

ORDER

The petitioner was found guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of three months and was directed to pay a compensation of Rs.95,000/- to the complainant under Section 357(3) of the Code of Criminal Procedure. On appeal by the petitioner, the appellate court confirmed the conviction and sentence.

2. Crl.M.A.No.12366 of 2006 was filed by the petitioner/ accused and the first respondent/complainant under Section 147 of the Negotiable Instruments Act and that application was allowed.

Accordingly this Crl.R.P. is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure. It is stated in the compounding petition that the amount of Rs.20,000/- deposited by the revision petitioner/ accused is to be withdrawn by him and that he would

pay that amount to the complainant. Accordingly, there will be a direction to the trial court to release the amount of Rs.20,000/- to the revision petitioner/accused and to see that the said amount is paid to the complainant.

K.T.SANKARAN,
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No.12366 of 2006
in
Crl. R.P. No. 3250 of 2004

Dated this the 6th day of December, 2006

ORDER

This is an application under Section 147 of the Negotiable Instruments Act, seeking permission to compound the offence. The application is signed by the revision petitioner/accused and the first respondent/complainant. It is stated in the application that the dispute is settled between the parties for a sum of Rs.75,000/-. A sum of Rs.20,000/- was deposited by the revision petitioner before the trial court and as per the terms of the compromise, he would withdraw that amount and pay over the same to the complainant. It is stated in the compromise petition that the balance amount of Rs.55,000/- has been paid. The compounding petition is recorded and it is allowed.

K.T.SANKARAN,
JUDGE

csl